

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HITOSHI IWAMIDA

Appeal No. 97-0438
Application No. 08/250,433¹

ON BRIEF

Before THOMAS, HAIRSTON and KRASS, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 6. In an Amendment After Final (paper number 6), claim 1 was amended.

The disclosed invention relates to a speech recognition apparatus that also recognizes non-speech sounds.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A speech recognition apparatus comprising:
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¹ Application for patent filed May 27, 1994.

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sound input means for inputting a sound signal;

feature extracting means for extracting
features for recognition of the sound signal;

standard feature pattern storing means for storing
feature patterns of standard nonspeech sound signals representing
sounds other than human speech sounds, as well as feature
patterns of standard speech sound signals representing human
speech sounds;

comparing means for comparing the extracted features of
the input sound signal with the feature patterns stored in the
standard feature pattern storing means, and for selecting a
standard sound signal corresponding to the input sound signal;

display pattern storing means for storing speech sound
display information representing the standard speech sound
signals as characters and nonspeech sound display information
corresponding to the standard nonspeech sound signals; and

display means for displaying display information
corresponding to the standard sound signal selected by the
comparing means.

The reference relied on by the examiner is:

Sanada et al. (Sanada)	5,329,609	July 12, 1994
		(filed July 30, 1991)

Claims 1 through 6 stand rejected under 35 U.S.C. § 103 as
being unpatentable over Sanada.

Reference is made to the briefs and the answer for the
respective positions of the appellant and the examiner.

OPINION

The examiner acknowledges (Answer, page 3) that Sanada "fails to explicitly teach the standard feature pattern storing means (105) for storing feature patterns of standard non-speech sound signals and display pattern storing means (107) for storing non-speech sound display information corresponding to the standard non-speech sound signals." According to the examiner (Answer, pages 3 and 4),

[i]t would have been obvious to one of ordinary skill in the art at the time the present invention was made to modify the storing means of Sanada et al as claimed to store different sound signal (speech or non-speech signal) in order to provide flexibility to the speech recognition system.

Appellant argues (Brief, pages 13 and 14) that:

The applied reference does not disclose or suggest a constitution similar to that of the present invention as claimed in which nonspeech sound is detected and information regarding the detected nonspeech sound is displayed.

Furthermore, it is respectfully submitted that, for a sufficient rejection under 35 USC 103, obviousness must be shown **from the prior art**, and not merely by supposed capabilities of known displays, since in the present invention it is the very particular subject matter that is being displayed which itself forms a significant feature of the invention - therefore, since the present invention is not shown or suggested in the prior art, it is respectfully submitted that it would clearly be unobvious to display such non-shown information.

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Accordingly, it is respectfully submitted that the above rejection over the prior art amounts merely to a piecemeal recombination of elements informed by hindsight rather than by anything fairly suggested in the reference upon which the Office Action has relied.

In the absence of evidence in the record or a convincing line of reasoning as to why it would have been obvious to one of ordinary skill in the art to add non-speech sound capability to Sanada, we agree with appellant's argument that improper hindsight has been used to demonstrate obviousness of the claimed invention. Thus, the obviousness rejection of claims 1 through 6 is reversed.

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DECISION

The decision of the examiner rejecting claims 1 through 6
under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
ERROL A. KRASS)	
Administrative Patent Judge)	

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APPLICATION NO. 08/250,433

APJ HAIRSTON

APJ KRASS

APJ THOMAS

DECISION: REVERSED

Typed By: Jenine Gillis

DRAFT TYPED: 28 May 98

FINAL TYPED:

3 MEMBER CONF. Yes No